

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR and RD Department – Allegations of irregularities in execution of road works in Savarakota Mandal, Srikakulam District – Charges against Sri N. Balaji Rao, Assistant Engineer / MEO, Narasannapeta Mandal, Srikakulam District (now Retired) – Held proved in the Regular Enquiry – Representation – Imposition of a penalty of 10% cut in pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.12.

Dated:13.01.2023.

Read the following:

1. From the DG, GA (V&E) Department, Vigilance Report No. 97 (C.No. 1186/V&E/E/2016), dated: 29.09.2017.
2. G.O.Rt.No.1390, PR&RD (Vig.I) Department, Dt: 21.12.2018.
3. G.O.Rt.No.1391, PR&RD (Vig.I) Department, Dt: 21.12.2018.
4. From ENC, PR, AP, Vijayawada, Letter No. Vig. I (1).4244/18, dated: 30.01.2019.
5. G.O.Rt.No.479, PR&RD (Vig.I) Department, Dt: 05.08.2019.
6. G.O.Rt.No.480, PR&RD (Vig. I) Department, Dt:-05.08.2019.
7. From Sri J. Sathyanarayana, IPS (Retd.), Commissioner of Inquiries, G.A.(COI) Department and Inquiring Authority, D.O. Letter NO. 134/COI-JS/2019, dt: 12.08.2020.
8. Govt. Memo No. 11786/Vig. I/2017, PR&RD (Vigt. I) Dept., Dt: 02.12.2020.
9. From Sri N. Balaji Rao, Asst. Engineer (Retd.), representation dt: 24.12.2020.
10. From the ENC, PR, Letter NO. Vig. I(1)/4244/2018, dated: 19.07.2021.
11. Govt. Memo No. 11786/Vig. I/2017, PR&RD (Vigt. I) Dept., Dt: 09.12.2021.
12. From Sri N.Balaji Rao, AE/MEO, O/o MPDO, Narasannapeta (M), representation dated: 03.01.2022.
13. Govt. Letter NO. 11786/ Vig. I/2017-6, PR&RD (Vig.I) Department, dt: 22.03.2022.
14. From the Secretary, A.P. Public Service Commission, Vijayawada, Letter File NO. GAD03-APPSODCC/15/2022- DC SEC- APPSC, Computer No. 1733898, dated: 16.09.2022

ORDER :

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegations of irregularities in execution road works under

P.T.O

:: 2 ::

MGNREGS in Savarakota Mandal, Srikakulam District, Government in the reference 2nd read above have initiated common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 duly framing following article of charge under Rule 20 of above said rules vide reference 3rd read above against **Sri N. Balaji Rao, Assistant Engineer / Mandal Engineerin Officer, Narasannapeta (M)** with a direction to submit his written statement of defence.

Charge:

That Sri N.Balaji Rao, AE/MEO, O/o MPDO, Narasannapeta (M), Srikakulam District has misused his official position and committed irregularities and misappropriation of MGNREGS funds in execution of road works in Saravakota (M) in as much as he has (i) recorded the measurement of M.Books without execution of the earthwork and recommended for payment, (ii) recommended for the payment of stone dust without using the same in GSB layer, (iii) not conducted QC tests for the suitability and strength of the materials utilized for GSB and retaining wall, (iv) recorded excess quantity of materials for spreading in GSB layer than the collected quantity and (v) executed and recorded MGNREGS work of others jurisdiction without any orders from higher authority and caused loss to the Government to a tune of Rs.10,47,775/-.

2. In the reference 4th read above, the Engineer-in-Chief, PR among others, has furnished the written statement of defence dt:21.01.2019 of the Charged Officer. As the same is not convincing, Government have decided to conduct regular inquiry into the matter and accordingly, in the reference 5th read above, Government have entrusted the case to Commissioner of Inquiries and appointed Sri J. Sathyanarayana, IPS (Retd.), C.O.I, G.A (COI) Department as the Inquiring Authority to inquire into the charge framed against charged officer Sri N. Balaji Rao, Asst. Engineer (PR) and also other eight (8) co-charged officers involved in the case.

3. In the reference 7th read above, the Inquiring Authority has furnished inquiry report dt: 12.08.2020 along with his findings on each charged officer. In the findings the Inquiring Authority, among others, has held that the charges framed against the Charged Officer Sri N. Balaji Rao, Asst Engineer (PR), are held proved.

4. In the reference 8th read above, , Government, among others, have communicated the copy of the Inquiry report to the charged officer Sri N. Balaji Rao, Assistant Engineer (PR) for submitting his representation, if any on the findings of the Inquiry Authority.

Contd..at P.3.,

:: 3 ::

5. In the reference 9th read above, the charged officer Sri N. Balaji Rao, Asst. Engineer (PR) (Retired) has submitted representation duly stating that he deny the findings of Inquiry Authority on each of the count of the charge. With regard to findings of I.A in respect of count (i) is proved viz., 'to the extent that there is improper recording in measurement Books'; the C.O has stated that the I.A has considered that the earth work was executed. With regard to findings of I.A in respect of count (ii) of charge is proved viz, 'recommended for the payment of stone dust without using the same in GSB layer'; the C.O has stated that the I.A has not considered his plea about recording the measurements of blended and finished stacks of material ready for use as GSB layer. With regard to findings of I.A in respect of count (iii) of charge is proved viz,. not conducted QC tests for the suitability and strength of the materials utilized for GSB and retaining wall; the C.O has stated that he did not feel the necessity of testing the materials once again since same material was already used in other works in the Department. With regard to findings of I.A in respect of count (iv) of charge is proved viz, 'recorded excess quantity of materials for spreading in GSB layer than the collected quantity'; the C.O has stated that the material was recorded as per actual measurements on the field and the difference is only Rs.508/- ie,. meagre. With regard to findings of I.A in respect of count (v) of the charge is proved viz, 'executed and recorded MGNREGS work of others jurisdiction without any orders from higher authority'; the C.O has stated that he obeyed the higher officers instructions and executed the above work. The Charged Officer has requested to re-consider the findings of I.A and exonerate him from the charge since he was retired from service and his pensionary benefits are pending.

6. In the reference 10th read above, the ENC, PR has furnished report of the Superintending Engineer, PR, Srikakulam regarding proposed recovery of Rs.10,47,775/- towards recovery in eight works in Gummanapadu Gram Panchayat of Sarvakota Mandal, Narsannapeta Constituency of Srikakulam District along with pass orders made in the connected M.Books to the Government for taking necessary action in the matter.

7. Government have examined the representation of the charged officer Sri N. Balaji Rao, Asst. Engineer (Retd.) and observe that the contentions of the charged officer made in his present representation dt: 24.12.2020 is similar to that of his earlier written statement of defence dt: 21.01.2019 submitted by him, which was considered and rejected earlier. Further, the very objective of the Panchayat Raj Engineering Department is that the Engineering works that are being executed in Gram Panchayats ie,. either through Contractors or through any other agencies viz,. Sarpanches etc,. shall be executed strictly in accordance with norms, work estimates and technical specifications

PTO

:: 4 ::

without any deviation. It is the primary task of the PR. Engg. Personnel to ensure the maintenance of quality in execution of works. When the works are executed under the administrative control of the PR Engg. Personnel, then they are only responsible for inferior quality of execution and the lapses regarding inferior quality of works executed could not be simply thrown on executive agencies viz., Contractors, Sarpanches etc., The proposed recovery by the V&E was made good subsequently and this shows that there was substandard execution carried out. As such, the charged officer is directly responsible in substandard execution. Hence, his representation to drop further action is devoid of merits since he is not absolved from the charge.

8. Accordingly, Government after careful examination of the matter, have taken a provisional decision to impose a penalty of 10% cut in pension for a period of two (2) years against the charged officer Sri N. Balaji Rao, formerly worked as M.E.O/ A.E, Narasannapeta Mandal, Srikakulam District (now Retd.) under Rule 9 of A.P. Revised Pension Rules 1980. The above provisional decision has been communicated to the Charged Officer with a direction to submit his representation, vide reference 11th read above.

9. In the reference 12th read above, the Charged Officer, Sri N. Balaji Rao, retired Assistant Engineer, PR has submitted his representation duly stating that he discharged his duties properly. But the Inquiry Authority did not relish his defence. He was retired from service and his pensionary benefits are pending. He has no option except to bow his head before the disciplinary authority and requested the Government to conclude the action so as to receive his pension benefits at an early date.

10. Government after examination of the matter have taken decision to proceed further with the above proposed penalty as the charged officer has not adduced any new/valid grounds in his present representation. Accordingly addressed the A.P. Public Service Commission for their concurrence on the above proposed penalty, vide references 13th read above.

11. In the reference 14th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

12. Accordingly, Government after careful examination of the matter, hereby impose the penalty of 10% cut in pension for a period of (2) years against Sri N. Balaji Rao, Assistant Engineer / MEO, Narasannapeta Mandal, Srikakulam District (now Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

Contd.. at P.5.,

:: 5 ::

13. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri N. Balaji Rao, Assistant Engineer / MEO, Narasannapeta
Mandal, Srikakulam District (now Retired)

through the Engineer in Chief, Panchayat Raj, Andhra
Pradesh, Vijayawada.

The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a
request to serve the order on the individual and furnish the
served copy)

Copy to:

The Secretary to Vigilance Commission, Andhra Pradesh
Vigilance Commission, Velagapudi.

The Secretary, A.P. Public Service Commission, Vijayawada.

The Accountant General, A.P, Vijayawada

The OSD to Hon'ble Dy. C.M for PR&RD.,

The PS to Prl. Secy. to Govt, PR&RD. Dept,

The PR&RD (Estt. I) Department.

~~SF~~/SC.

//FORWARDED :: BY ORDER //


SECTION OFFICER
